

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNY HENDRIX,
 #1148495

Plaintiff,

vs.

STATE OF NEVADA,

Defendant.

2:11-cv-00277-JCM-GWF

ORDER

Plaintiff has attempted to initiate a *pro se* action in this court. Plaintiff has failed to either pay the filing fee or submit an application to proceed *in forma pauperis* on the required form. *See* 28 U.S.C. § 1915(a)(1)-(2); Local Rules of Special Proceedings 1-1, 1-2. Moreover, while plaintiff has partially filled out a complaint on a 1983 civil rights form, he does not set forth allegations that his civil rights have been violated. Instead, it appears that he intends to challenge his criminal conviction. He attaches a “motion to dismiss counts one through thirty-four” that appears to bear a state court case number and attaches deposition transcripts that appear to be from his criminal prosecution. He also names only the State of Nevada as defendant, yet the State is not amenable to suit under 42 U.S.C. § 1983. *Arizonans for Official English v. Arizona*, 520 U.S. 43, 69 (1997); *Jackson v. Arizona*, 885 F.2d

1 639, 641 (9th Cir. 1989), superseded by statute on other grounds as stated in *Lopez v. Smith*, 203 F.3d
2 1122, 1130 (9th Cir. 2000) (*en banc*).

3 Accordingly, notwithstanding plaintiff's failure to file a motion to proceed *in forma*
4 *pauperis*, this action is dismissed for failure to state a claim for which relief may be granted.

5 **IT IS THEREFORE ORDERED** that this action is **DISMISSED**.

6 **IT IS FURTHER ORDERED** that the clerk shall enter judgment accordingly and close
7 this case.

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9 DATED this 13th day of April, 2011.

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UNITED STATES DISTRICT JUDGE
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